

House Bill 445

By: Representatives Hogan of the 179th, Jones of the 167th, Sainz of the 180th, Williams of the 145th, Clark of the 147th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Part 2 of Article 4 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to shore protection, so as to revise various provisions relative to shore protection; to revise and add definitions; to establish authority and powers of the Department of Natural Resources; to revise provisions relating to permit activities and procedures; to strike obsolete language and correct cross-references; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 2 of Article 4 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to shore protection, is amended by revising paragraphs (8), (11), (13), (15), and (18) of Code Section 12-5-232, relating to definitions, and by adding a new paragraph to read as follows:

"(8) 'Dynamic dune field' means those elements of the sand-sharing system including the dynamic area of beach and sand dunes, varying in height and width, but does not include stable sand dunes. The ~~the~~ ocean boundary of which the dynamic dune field extends to the ordinary high-water mark and the landward boundary of which is the first occurrence either of live native trees 20 feet in height or greater or of a structure existing on July 1, 1979 as determined by the department. The landward boundary of the dynamic dune field, as determined by the department, ~~shall be the seaward-most line connecting any such tree or either the first occurrence of a structure existing on July 1, 1979, as set forth in this part, or along a line that is:~~

(A) Twenty-five feet landward of the landward toe of the most landward sand dunes;

(B) Twenty-five feet landward of the crest of a serviceable shoreline stabilization activity; or

(C) In the absence of any such sand dunes or functional structure associated with a shoreline stabilization activity, 25 feet landward of the ordinary high-water mark, or for

~~property owned by the state, 100 feet landward of the ordinary high-water mark to any other such tree or structure if the distance between the two is a reasonable distance not to exceed 250 feet. In determining what is a reasonable distance the line for the purposes of this paragraph, topography, dune stability, vegetation, lot configuration, existing structures, distance from the ordinary high-water mark, and other relevant information shall be taken into consideration in order to conserve the vital functions of the sand-sharing system. If a real estate appraiser certified pursuant to Chapter 39A of Title 43 determines that an existing structure, shoreline engineering activity, or other alteration which forms part of the landward boundary of the dynamic dune field has been more than 80 percent destroyed by storm driven water or erosion, the landward boundary of the dynamic dune field shall be determined as though such structure had not been in existence on July 1, 1979."~~

"(10.1) 'Minor activity' means an activity such as the construction or installation of decks, patios, or porches or the alteration of native landscaping, so long as such construction, installation, or alteration, when combined with other structures on the subject parcel or portion thereof, does not impact more than a total of one-third of the subject parcel or portion thereof that is subject to the jurisdiction of this part; or the construction or installation of elevated crosswalks providing access across sand dunes and shoreline stabilization activities.

(11) 'Ordinary high-water mark' means the position upper reach of the tide along the shore of the mean monthly spring high tide reached during the most recent tidal epoch. This term is not synonymous with 'mean' high-water mark established by the fluctuations of water and indicated by physical characteristics such as a clear natural line impressed on the shore, shelving, changes in the character of soil, or the presence of litter and debris, as determined by the department."

~~"(13) 'Permit-issuing authority' means the Shore Protection Committee or a local unit of government which has adopted a program of shore protection which meets the standards of this part and which has been certified by the board as an approved program Reserved."~~

"(15) 'Sand dunes' means mounds of sand within the sand-sharing system deposited along a coastline by wind, tidal, or wave action, or by beach nourishment or dune construction, which mounds are often covered with sparse, pioneer vegetation, such as, but not limited to, sea oats (Uniola paniculate), beach morning glory (Ipomoea pes-caprae), and large salt meadow cordgrass (Spartina patens), and are located landward of the ordinary high-water mark and may extend into the tree line."

"(18) 'Stable sand dune' means a sand dune not in the sand-sharing system that is maintained in a steady state of neither erosion nor accretion by indigenous woody

63 vegetative cover such as, but not limited to, pines (Pinus), oaks (Quercus), and wax
64 myrtles (Morella cerifera)."

65 **SECTION 2.**

66 Said part is further amended by revising Code Section 12-5-233, relating to area of operation
67 of part, as follows:

68 "12-5-233.

69 The area of operation of this part shall be:

70 (1) The dynamic dune fields on the barrier islands of this state as determined by
71 reference to Code Section 12-5-232. Such determination shall be made by the
72 ~~permit-issuing authority~~ committee on the basis of site inspection and evaluation of other
73 pertinent information as provided for in subsection (d) of Code Section 12-5-239;

74 (2) The submerged shoreline lands of this state from the seaward limit of this state's
75 jurisdiction landward to the dynamic dune fields or to a line projected from the
76 westernmost point of the dynamic dune field on the southern end of a barrier island, to
77 the westernmost point of the dynamic dune field on the northern end of the adjacent
78 barrier island to the south; ~~and~~

79 (3) If an area has dynamic dune fields as defined by Code Section 12-5-232, and
80 marshlands as defined by Code Section 12-5-282, it is subject to the jurisdiction of this
81 part and Part 4 of this article. In the event of a conflict between this part and Part 4 of this
82 article, the commissioner shall determine which part shall apply so as to best protect the
83 public interest; and

84 (4) The area of operation of this part shall not include any area landward of the most
85 recent seaward platted lot line, if roadways, bridges, or water and sewer lines have been
86 extended to such a lot prior to July 1, 2019, on the updrift side of a groin permitted under
87 the Shore Protection Act within a distance from the groin of 5,000 feet or ten times the
88 length of the groin, whichever is less."

89 **SECTION 3.**

90 Said part is further amended by revising Code Section 12-5-235, relating to the Shore
91 Protection Committee, as follows:

92 "12-5-235.

93 (a) There is created the Shore Protection Committee within the department. The
94 committee shall be composed of five members, including the commissioner of natural
95 resources and four people selected by the board. Each of three persons selected by the
96 board shall be a resident of Camden, Glynn, McIntosh, Liberty, Bryan, or Chatham County.
97 Three members of the committee shall constitute a quorum. The members of the

committee shall be entitled to and shall be reimbursed from moneys appropriated to the department for their expenses, such as mileage and per diem, as set by the board.

(b) The committee shall have the authority to issue orders and to grant, suspend, revoke, modify, extend, condition, or deny permits as provided in this part. Permits may, at the committee's discretion, be revoked, suspended, or modified upon a finding that the permittee is not in compliance with permit conditions or that the permittee is in violation of any rule or regulation promulgated pursuant to this part.

(c) The ~~chairman~~ chairperson of the committee, upon application by the permittee, may issue renewal of a permit previously granted by the committee. Such action must be based upon recommendations of staff, past committee actions, and the results of public comments. The ~~chairman~~ chairperson may refer the request for renewal to the committee to decide on renewals that, in his or her judgment, should receive broader consideration. A committee member may choose to have the full committee decide on renewals that the member feels should receive broader consideration.

(d) Any permit for minor activity may be issued by the commissioner based on the recommendations of staff, past committee actions, and the results of public comments. The commissioner may refer the application to the committee to decide on permits for minor activities that, in his or her judgment, should receive broader consideration. A committee member may choose to have the full committee decide on permit applications for minor activities that the member feels should receive broader consideration."

SECTION 4.

Said part is further amended by revising Code Section 12-5-238, relating to form and contents of application for permit, as follows:

"12-5-238.

All applications for permits required by this part must be on forms prescribed by the ~~permit-issuing authority~~ committee, must be properly executed, and must include the following:

- (1) The name and address of the applicant;
- (2) A brief description of the proposed project;
- (3) Construction documents showing the applicant's proposed project and the manner or method by which the project shall be accomplished. Such document shall identify the dynamic dune field affected;
- (4) A copy of the deed or other instrument under which the applicant claims title to the property or, if the applicant is not the owner, a copy of the deed or other instrument under which the owner claims the title together with written permission from the owner to carry out the project on ~~his~~ the owner's land. In lieu of a deed or other instrument referred to

in this paragraph, the ~~permit-issuing authority~~ committee may accept some other reasonable evidence of ownership of the property in question or other lawful authority to make use of the property. If all or any part of the proposed construction or alteration shall take place on property which is owned by the State of Georgia, the applicant shall present an easement, revocable license, or other written permission from the state to use the property for the proposed project; in the alternative, the ~~permit-issuing authority~~ committee may condition the issuance of the permit on the requirement to obtain written permission from the state. The ~~permit-issuing authority~~ committee will not adjudicate title disputes concerning the property which is the subject of the application; provided, however, that the ~~permit-issuing authority~~ committee may decline to process an application when submitted documents show conflicting deeds;

(5) A plat showing the boundaries of the proposed project site;

(6) The names and addresses of all landowners of property adjoining or abutting the parcel of land on which the proposed project is to be located. If the property to be altered is bordered on any side by other property of the applicant, the applicant shall supply the names and addresses of the nearest landowners, other than the applicant, of property adjoining the applicant's property. If the applicant cannot determine the identity of adjoining landowners or their addresses, the applicant shall file in lieu thereof an affidavit stating that a diligent search, including a search of the records of the county tax assessor's office, has been made but that the applicant was not able to ascertain the names or addresses of adjoining landowners;

~~(7) An application fee in such reasonable amount as is designated by the permit-issuing authority or, if the committee is the permit-issuing authority, a nonrefundable application fee as set by the board which reflects the cost to the department to evaluate the application. Fees for the renewal of a permit shall be equal to the application fee. Application fees shall not exceed \$1,000.00 for any one proposal. If the committee is the permit-issuing authority, such fees shall be paid to the department~~ A nonrefundable application fee to be set by the board in an amount necessary to defray the administrative cost of issuing such permit. Renewal fees shall be equal to application fees, which shall not exceed \$1,000.00 for any one proposal and shall be paid to the department;

(8) Site plans for the proposed project site showing existing and proposed streets, utilities, buildings, and any other physical structures;

(9) A certification by a registered architect or engineer licensed by this state certifying that all proposed structures, if any, for which the permit is applied are designed to meet suitable hurricane-resistant standards;

(10) Any and all other relevant data required by the ~~permit-issuing authority~~ committee for the purposes of ascertaining that the proposed improvements, activities, and uses will meet the standards of this part;

(11) A certificate or letter from the local governing authority or authorities of the political subdivision in which the property is located stating that the applicant's proposal ~~is not violative of~~ would not violate any zoning law; and

(12) A statement from the applicant that he or she has made inquiry to the appropriate authorities that the proposed project is not over a landfill or hazardous waste site and that the site is otherwise suitable for the proposed project."

SECTION 5.

Said part is further amended by revising Code Section 12-5-239, relating to completion of permit, notice of proposed activity, and requirements and restrictions regarding issuance of permit, as follows:

"(a) The ~~permit-issuing authority~~ committee shall take action on each permit application within 90 days after the application is completed; provided, however, that this provision may be waived upon the written request of the applicant. An application is complete when it contains substantially all of the written information, documents, forms, fees, and materials required by this part. An application must be completed sufficiently in advance of the ~~permit-issuing authority~~ committee meeting at which the project will be considered to allow for public notice and evaluation by the ~~permit-issuing authority~~ committee.

(b) After receipt of a completed application and at least ~~30~~ 15 days prior to acting on the application, the ~~permit-issuing authority~~ committee shall notify all persons identified by the applicant as owning land adjacent to the location of the proposed project and to all persons who have filed a written request with ~~such permit-issuing authority~~ the committee that their names be placed on a mailing list for receipt of such notice. Any person desiring to be placed on such mailing list must so request in writing and renew such request in December of each year. The name of any person who has not renewed such request shall be removed from the list. The landowners who have not requested to be placed on a mailing list shall be notified in writing if their addresses are known. Such notice shall be in writing and shall include a general description of the proposed project and its location. The applicant shall post such notice in a conspicuous place on the subject property at or prior to the time the ~~permit-issuing authority~~ committee issues public notice of the application. If the applicant has filed an affidavit that the names or addresses of the adjoining landowners were not ascertained after a diligent search, the ~~permit-issuing authority~~ committee shall cause a notice of the proposed activity and a brief description of the land to be affected to be published in the legal organ or a newspaper of general

circulation in the county in which such land lies. Cost of such public notices shall be paid by the applicant. Whenever there appears to be sufficient public interest, the ~~permit-issuing authority~~ committee may call a public hearing.

(c) No permit shall be issued except in accordance with the following provisions:

(1) A permit for a structure or land alteration, including, but not limited to, private residences, motels, hotels, condominiums, and other commercial structures, in the dynamic dune field may be issued only when:

(A) The proposed project shall occupy the landward area of the subject parcel and, if feasible, the area landward of the sand dunes;

(B) At least a reasonable percentage, not less than one-third, of the subject parcel shall be retained in its naturally vegetated and topographical condition;

(C) The proposed project is designed according to applicable hurricane-resistant standards;

(D) The activities associated with the construction of the proposed project are kept to a minimum, are temporary in nature, and, upon project completion, restore the natural topography and vegetation to at least its former condition, using the best available technology; and

(E) The proposed project will maintain the normal functions of the sand-sharing mechanisms in minimizing storm-wave damage and erosion, both to the unaltered section of the subject parcel and at other shoreline locations;

(2) No permits shall be issued for a structure on beaches, eroding sand dune areas, and submerged lands; provided, however, that a permit for a pier, boardwalk, or crosswalk in such an area may be issued, provided that:

(A) The activities associated with the construction of the proposed land alterations are kept to a minimum, are temporary in nature, and, upon project completion, the natural topography and vegetation shall be restored to at least their former condition, using the best available technology; and

(B) The proposed project maintains the normal functions of the sand-sharing mechanisms in minimizing storm-wave damage and erosion, both to the unaltered section of the subject parcel and at other shoreline locations;

(3) A permit for shoreline engineering activity or for a land alteration on beaches, sand dunes, and submerged lands may be issued only when:

(A) The activities associated with the construction of the proposed project are to be temporary in nature, and the completed project will result in complete restoration of any beaches, dunes, or shoreline areas altered as a result of that activity;

(B) The proposed project will insofar as possible minimize effects to the sand-sharing mechanisms from storm-wave damage and erosion both to the subject parcel and at other shoreline locations;

(C) In the event that shoreline stabilization is necessary, either low-sloping porous rock structures or other techniques which maximize the dissipation of wave energy and minimize shoreline erosion shall be used. Permits may be granted for shoreline stabilization activities when the applicant has demonstrated that no reasonable or viable alternative exists; provided, however, that beach restoration and renourishment techniques are preferable to the construction of shoreline stabilization activities; and

(D) A copy of the permit application has been transmitted to the local unit of government wherein the project site lies, if such local unit of government has been certified by the board, requesting comments on such application.

(d) In evaluating a permit application in order to determine compliance with the provisions set forth in subsection (c) of this Code section, the ~~permit-issuing authority~~ committee may use the following assessment tools and techniques, as appropriate and as available:

(1) Historic photographs and topographic data of the project site, which can be used in determining the impact of a proposed project on the stability of the shoreline;

(2) On-site inspections to determine the impact of a proposed project on topographic and vegetative conditions, erosion or accretion rates, and other factors influencing the life cycles of dune plants;

(3) Any recognized or accepted scientific investigations necessary to determine the proposed project's impacts on the surrounding biological and geological systems, and the historic and archeological resources;

(4) When present, the potential effects of shoreline engineering structures (seawalls, groins, jetties, etc.), their condition, and their apparent influence on the sand-sharing system as it relates to the proposed project;

(5) Historic, climatological, tidal data, and meteorological records of the vicinity of the project and possible potential effects of a proposed project upon erosion and accretion rates; and

(6) New scientific information which, through recent advances, would effect a more competent decision relative to wise use and management of Georgia's sand-sharing system.

(e) Every permit shall require that the proposed project be completed within five years after the date of issuance of the permit and shall expire five years after the date of issuance. Such time may be extended five additional years upon a showing that all due efforts and diligence toward the completion of the project have been made. If ~~a permit~~ the holder of an unexpired permit sells, leases, rents, or otherwise conveys the land or any portion of the

land for which the permit was issued, such permit shall be continued in force in favor of the new owner, lessee, tenant, or other assignee so long as there is no change in the use of the land as set forth in the original application. The ~~permittee~~ new owner must notify the ~~permit-issuing authority~~ committee within 30 days after change of ownership of ~~property~~ the land or any portion thereof.

(f) All plans, documents, and materials contained in any application for any permit required by this part shall be made a part of the permit, if granted, and conformance to such plans, documents, and materials shall be a condition of the permit. No change or deviation from any such plans, documents, or materials shall be permitted without the prior notification and approval of the ~~permit-issuing authority~~ committee.

(g) Compliance with all other federal, state, and local statutes, ordinances, and regulations shall also be a condition of every permit issued pursuant to this part. If, prior to completion of review of an application under this part the committee receives notice of the denial of a permit or authorization necessary for the project, review of the project shall be suspended and, if the denial becomes final, the application shall stand denied.

(h) All permit-issuing authorities may place such conditions on any permit issued under this Code section as are necessary to carry out this part.

(i) In passing upon the application for a permit, the ~~permit-issuing authority~~ committee shall consider the public interest which for purposes of this part shall be deemed to be the following considerations:

(1) Whether or not unreasonably harmful, increased alteration of the dynamic dune field or submerged lands, or function of the sand-sharing system will be created;

(2) Whether or not the granting of a permit and the completion of the applicant's proposal will unreasonably interfere with the conservation of marine life, wildlife, or other resources; and

(3) Whether or not the granting of a permit and the completion of the applicant's proposal will unreasonably interfere with reasonable access by and recreational use and enjoyment of public properties impacted by the project.

(j) Issuance of a permit under this part and construction of the permitted project shall not remove the designated property from the jurisdiction of this part. All changes in permitted uses which increase impacts to any land subject to the provisions of this part must be ruled upon by the ~~permit-issuing authority~~ committee to determine if the proposed change is consistent with this part and the permit. Each permitted alteration within the area of operation of this part shall be reviewed by the ~~permit-issuing authority~~ committee on a five-year basis or when noncompliance with the purpose for which the permit was issued is evident to determine if the use within the area of operation of this part is consistent with the intent of this part. If the permit holder is found not to be in compliance with this part,

the ~~permit-issuing authority~~ committee shall take action as authorized under Code Section 12-5-247.

(k)(1) A permit granted by the ~~permit-issuing authority~~ committee becomes final immediately upon issuance, but no construction or alteration may commence until the expiration of 30 days following the date of the ~~permit-issuing authority~~ committee meeting at which the application is approved, except as otherwise provided in paragraph (2) of this subsection; provided, however, that if a timely appeal is filed, no construction or alteration may commence until all administrative proceedings are terminated except as otherwise provided in paragraph (2) of this subsection.

(2) If the ~~permit-issuing authority~~ committee, either at the request of the applicant or on its own motion, finds that an emergency exists in any particular geographic area or in regard to any particular permit issued by the ~~permit-issuing authority~~ committee, the ~~permit-issuing authority~~ committee is authorized to allow a permittee to commence immediately or to continue the construction or alteration authorized by the permit. The ~~permit-issuing authority~~ committee in determining an emergency shall base its determination on imminent peril to the public health, safety, or welfare or a grave danger to life, real property, structures, or shoreline engineering activities. If the ~~permit-issuing authority~~ committee makes such a finding of an emergency, the permittee may commence immediately or continue the construction or alteration authorized by the permit, but such construction or alteration is undertaken at the risk to the permittee of an administrative or judicial order requiring the sand dunes, beaches, and submerged lands to be returned to their condition prior to such construction or alteration.

(l) When work has been completed in accordance with provisions of a permit, the permittee shall so notify the ~~permit-issuing authority~~ committee in writing within 30 days of such completion."

SECTION 6.

Said part is further amended by revising Code Section 12-5-240, relating to posting of permits, as follows:

"12-5-240.

A copy of every permit issued to an applicant shall be prominently displayed within the area of proposed activity. If the ~~permit-issuing authority~~ committee deems it advisable, the applicant may be required to cause a sign to be erected bearing the permit number, date of issuance, name of applicant, and such other information as the ~~permit-issuing authority~~ committee may reasonably require. The ~~permit-issuing authority~~ committee may specify the type of and, within reasonable dimensions, the size of the sign."

SECTION 7.

Said part is further amended by revising Code Section 12-5-244, relating to administrative and judicial review, as follows:

"12-5-244.

(a) Any person who is aggrieved or adversely affected by any order or action of the committee shall, upon petition within 30 days after the issuance of such order or taking of such action, have a right to a hearing before an administrative law judge appointed by the board. The hearing before the administrative law judge shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' and the rules and regulations adopted by the board pursuant thereto. The decision of the administrative law judge shall constitute the final decision of the board and any party to the hearing, including the committee, shall have the right of judicial review thereof in accordance with Chapter 13 of Title 50.

~~(b) Where a local unit of government has, pursuant to this part, granted, suspended, modified, extended, conditioned, or denied a permit, any person aggrieved or adversely affected by such action shall be afforded a right to administrative and judicial review of such action.~~

~~(c)~~(b) Persons are 'aggrieved or adversely affected' where the challenged action has caused or will cause them injury in fact and where the injury is to an interest within the zone of interests to be protected or regulated by this part. In the event the committee or local unit of government, as appropriate, asserts in response to the petition before the administrative law judge that the petitioner is not aggrieved or adversely affected, the administrative law judge shall take evidence and hear arguments on this issue and thereafter make a ruling on this issue before continuing with the hearing. The burden of going forward with evidence on this issue shall rest with the petitioner."

SECTION 8.

Said part is further amended by revising Code Section 12-5-247, relating to enforcement of part and civil penalty, as follows:

"12-5-247.

(a) If the department determines that any person is violating any provision of this part or any rule or regulation adopted pursuant to this part or the terms and conditions of any permit issued under this part, ~~and such violation is in an area where the committee is the permit-issuing authority,~~ the department may employ ~~any one, or any combination of any or all,~~ of the enforcement methods specified in paragraphs (1) through (4) of this subsection following:

(1) The department may issue an administrative order specifying the provision of this part or the rule, or both, alleged to have been violated and require the person so ordered to cease and desist from such activity and to take corrective action within a reasonable period of time as prescribed in the order; provided, however, that the issuance of such order shall not affect the availability of relief under Code Section 12-5-244. Such corrective action may include, but shall not be limited to, requiring that the sand dunes, beaches, and submerged lands be returned to their condition prior to the violation of this part or a rule adopted pursuant to this part. Any such order shall become final unless the person named therein requests in writing a hearing before a hearing officer appointed by the board no later than ten days after the issuance of such order. Review of such order shall be available as provided in subsection (a) of Code Section 12-5-244;

(2) Whenever the committee finds that an emergency exists requiring immediate action to protect the public or private interest where the public interest is served, it may issue an order reciting the existence of such an emergency and requiring or allowing that such action be taken as it deems necessary to meet the emergency. Notwithstanding any other provision of this part, such order shall be effective immediately. If an order requiring a person to take action is issued pursuant to this paragraph, such person shall be entitled to a hearing within ten days of the date of issuance of the order. Any person who is aggrieved or adversely affected by an emergency order of the committee, upon petition within ten days after issuance of such order, shall have a right to a hearing before an administrative law judge appointed by the board. The committee shall hold a meeting no sooner than 30 days after the issuance of an emergency order to review such order to determine whether the order has been complied with, whether the order should continue in force, and any possible effects of such order on the sand-sharing system;

(3) The committee may file in the appropriate superior court a certified copy of an unappealed final order of the administrative law judge or of a final order of the administrative law judge affirmed upon appeal or other orders of the committee, whereupon the court shall render judgment in accordance therewith and notify the parties. Such judgment shall have the same effect, and all proceedings in relation thereof shall thereafter be the same, as though such judgment has been rendered in an action duly heard and determined by the court; and

(4) The department may seek injunctive relief pursuant to Code Section 12-5-245.

(b) Any person who violates any provision of this part or any rule or regulation adopted under this part, any permit issued under this part, or final or emergency order of the department shall be subject to a civil penalty not to exceed \$10,000.00 for each act of violation. Each day of continued violation shall subject ~~said~~ such person to a separate civil penalty. An administrative law judge appointed by the board after a hearing conducted in

accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' shall determine whether or not any person has violated any provision of this part, any rule or regulation adopted under this part, any permit, or any final or emergency order of the department or ~~permit-issuing authority~~ committee and shall upon proper finding issue an order imposing such civil penalties as provided in this subsection. Review of such order shall be available as provided in subsection (a) of Code Section 12-5-244. All civil penalties recovered by the department as provided in this subsection shall be paid into the state treasury to the credit of the general fund.

(c) Any person who causes or permits any removal, filling, or other alteration of the dynamic dune field or submerged lands in this state without first obtaining a permit from the ~~permit-issuing authority~~ committee shall be liable in damages to the state and any political subdivision of the state for any and all actual or projected costs and expenses and injuries occasioned by such alteration of the dynamic dune field or submerged lands. The amount of damages assessed pursuant to this Code section shall include, but shall not be limited to, any actual or projected costs and expenses incurred or to be incurred by the state or any political subdivision thereof in restoring as nearly as possible the natural topography of the sand-sharing system and replacing the vegetation destroyed by any alteration of the dynamic dune field or submerged lands. Damages to the state shall be recoverable in a civil action instituted by the department and shall be paid to the department to cover cost of restoration. Damages to a political subdivision shall be recoverable in a civil action instituted by ~~said~~ such subdivision.

(d) Owners of property with knowledge of unauthorized activities occurring thereon are responsible under this part."

SECTION 9.

Said part is further amended by revising Code Section 12-5-248, relating to criminal violations, as follows:

"12-5-248.

(a) It shall be unlawful for any person to:

(1) Operate any motorized vehicle or other motorized machine on, over, or across sand dunes or beaches except as authorized by the ~~permit-issuing authority~~ department or committee, except that individual disability vehicles, emergency vehicles, and governmental vehicles utilized for beach maintenance or research may operate within sand dunes and beaches without authorization from the ~~permit-issuing authority~~ as department or committee so long as those vehicles operate across existing cross-overs, paths, or drives; or

456 (2) Store or park sailboats, catamarans, or other commercial or recreational marine craft
457 on any sand dune.

458 (b) All such lawful activities conducted under this part shall provide protection to nesting
459 sea turtles and their hatchlings and habitats and to nesting shore birds and their hatchlings
460 and habitats.

461 (c) Any person violating the provisions of subsection (a) of this Code section shall be
462 guilty of a misdemeanor."

463 **SECTION 10.**

464 This Act shall become effective upon its approval by the Governor or upon its becoming law
465 without such approval for the purposes of promulgating rules and regulations necessary to
466 administer the provisions of this Act and shall become effective on December 31, 2019, for
467 all other purposes.

468 **SECTION 11.**

469 All laws and parts of laws in conflict with this Act are repealed.